

1c553 U.S. PTO  
07/02/99

**NON-PROVISIONAL  
UTILITY PATENT APPLICATION  
TRANSMITTAL - 37 CFR 1.53(b)**

☐ Duplicate  
(check, if applicable)

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, DC 20231

Attorney Docket No. 09282-5 (B3521 US)  
First Named Inventor: Jürgen Eck, *et al.*  
Express Mail Label No. EL329909087US  
Total Pages of Transmittal Form: 2

1c625 U.S. PTO  
09/347064  
07/02/99

Transmitted herewith for filing is the **non-provisional** utility patent application entitled:

**Recombinant Fusion Proteins Based on Ribosome-Inactivating Proteins of the Mistletoe  
*Viscum Album***

which is:

an ☐ Original; or

a ☒ Continuation, ☐ Divisional, or ☐ Continuation-in-part (CIP)  
of prior Application No. PCT/EP98/00009, filed January 2, 1998.

☐ This non-provisional patent application is based on Provisional Patent Application  
No. , filed.

Enclosed are:

- ☒ Specification (including Abstract) and claims: 83 pages.
- ☒ Newly unexecuted Declaration (original).
- ☐ Copy of Declaration from prior application.
- ☐ Separate Power of Attorney (including 37 CFR 3.73(b) statement, if applicable).
- ☒ 36 sheets of drawings (formal) plus one copy.
- ☐ Microfiche computer program (Appendix).
- ☒ Nucleotide and/or Amino Acid Sequence Submission, including:
  - ☒ Computer readable copy ☒ Paper Copy (16) ☒ Verified Statement.
- ☐ Under PTO-1595 cover sheet, an assignment of the invention.
- ☐ Certified copy of Application No. , filed , is filed:
  - ☐ herewith or ☐ in prior application.
- ☒ Verified Statement Claiming Small Entity Status under 37 CFR 1.9 and 1.27.
  - ☐ was filed in the prior non-provisional application, and such status is still proper and desired (37 CFR 1.28(a));
  - ☒ is enclosed herewith; ☐ is no longer desired.
- ☐ Preliminary Amendment.
- ☐ Information Disclosure Statement, PTO-1449, and cited references.
- ☐ Other:

The filing fee has been calculated as shown below:

			SMALL ENTITY			LARGE ENTITY	
CLAIMS	NO. FILED	NO. EXTRA	BASIC FEE: \$380.			BASIC FEE: \$760	
Total	46 -20 =	26	X9	\$234.00	OR	X18	\$
Independent	3 - 3 =		X39	\$	OR	X78	\$
Multiple Dependent Claims Present			\$130	\$	OR	\$260	\$
			<b>TOTAL</b>	<b>\$614.00</b>	OR	<b>TOTAL</b>	<b>\$</b>

The Commissioner is hereby authorized to charge payment of the following fees or credit any overpayment to Deposit Account No. 16-0235. One additional copy of this sheet is enclosed.

- ☒ [X] The above calculated filing fee **\$614.00**.
- ☒ [X] Any additional fees required under 37 C.F.R. § 1.16.
- ☒ [X] Any additional fees required under 37 C.F.R. §1.17.
- ☒ [X] If the filing of any paper during the prosecution of this application requires an extension of time in order for the paper to be timely filed, applicant(s) hereby petition(s) for the appropriate extension of time pursuant to 37 C.F.R. §1.136(a).

**CORRESPONDENCE ADDRESS:**

July 2, 1999  
(Date)

By:

GARY D. COLBY, Ph.D.

Registration No. 40,961

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Enclosures

EXPRESS MAIL MAILING LABEL EL329909087US

Attorney Docket No. 02282-1  
B 3521 US

Applicant or Patentes: Jergen Eck, et al  
Application or Patent No.: Not Yet Assigned  
Filed or Issued: Herewith  
For: Recombinant Fusion Proteins Based On Ribosome-  
Inactivating Proteins Of The Mistletoe Viscum Album

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) and 1.27(e)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below.  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN BRAIN Biotechnology Research And Information  
Network GmbHADDRESS OF CONCERN Darmstädter Str. 14  
64673 Zwingenberg Germany

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that U.S. rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention of the above-identified patent or patent application.

If the rights held by the small business concern are not exclusive, each individual concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention according to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Dr. HOLGER ZINKE

TITLE IN ORGANIZATION

B.R.A.I.N. Biotechnology Research And Information  
Network GmbH

ADDRESS OF PERSON SIGNING Darmstädter Str. 34

64673 Zwingenberg, Germany

010794  
(DATE)

(SIGNATURE)

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Dr. Holger Zinke

2. Geschäftsführer

(CEO)